

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

_____)	
MICHAEL SEAN SPEIGHT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:24-cv-00055-LM-AJ
)	
AMANDA KAELEBLEIN,)	
MICHAEL KAELEBLEIN,)	
NANCY KAELEBLEIN,)	
JUDGE GEORGE PHELAN, and)	
ERIC STEPHAN,)	
)	
Defendants.)	
_____)	

**DEFENDANTS MICHAEL KAELEBLEIN AND NANCY KAELEBLEIN'S
OBJECTION TO PLAINTIFF'S EMERGENCY
MOTION TO PREVENT DISMISSAL TO RE-SERVE DEFENDANTS**

Defendants Michael Kaelblein and Nancy Kaelblein hereby object to Plaintiff's Emergency Motion to Prevent Dismissal to Re-Serve Defendants. In support of their Objection, Defendants state as follows:

1. Plaintiff's Motion implies that the re-service of the Complaint upon the Defendants would negate any deficiencies contained in Plaintiff's lawsuit/allegations. This is simply not true.
2. Defendants direct the Court's attention to Defendants Michael and Nancy Kaelblein's June 17, 2024 Motion to Dismiss and supporting Memorandum of Law, and hereby incorporate them as if set forth fully herein. ECF 28, 29. Further, Defendants direct the Court's attention to their July 8, 2024 Objection to Plaintiff's Motion Requesting Court to Allow Plaintiff to Amend Complaint to Proper Relief in Interest of Justice and the supporting Memorandum of Law, and hereby incorporate them as if set forth fully herein. ECF 41, 42.

3. Re-service of the lawsuit may, if done properly, address the issues addressed in relation to sufficiency of process and service of process. But it will not address the fact that Defendants are Massachusetts residents and that this Court therefore will still hold no personal jurisdiction over them, the fact that this Court lacks subject matter jurisdiction over what is at its core a domestic relations matter, or the fact that Plaintiff has failed to allege sufficient facts to support his claims. *See generally* ECF 29, 42.

4. Plaintiff's request for re-service of Defendants Michael and Nancy Kaelblein should therefore be denied as futile, and Plaintiff's Complaint should be dismissed.

5. Due to the nature of relief sought, and the incorporation by reference of previously filed memoranda of law, no separate memorandum of law is required.

WHEREFORE, Defendants Michael Kaelblein and Nancy Kaelblein respectfully request that this Court:

- A. DENY Plaintiff's Emergency Motion to Prevent Dismissal to Re-Serve Defendants; and
- B. GRANT such other and further relief as may be just and equitable.

Respectfully submitted,
Michael Kaelblein and Nancy Kaelblein
By their Attorneys
Welts, White & Fontaine, P.C.

Date: 7/22/2024

By: /s/ Nicole Fontaine Dooley
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CERTIFICATE OF SERVICE

I, Nicole Fontaine Dooley, hereby certify that on July 22, 2024, this document was filed through the ECF system and sent electronically to the registered participants as identified on the notice of electronic filing (NEF) and by first class mail to non-registered participants.

/s/ Nicole Fontaine Dooley

Nicole Fontaine Dooley